IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

–

–

FRIDAY, THE TWENTYFOURTH DAY OF MARCH

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

* * *

WP.No.5834 OF 2006

Between:

M.Srinivas … Petitioner

Versus

Municipal Corporation of Hyderabad,

BRKR Buildings, Tank Bund Road,

Hyderabad,

Represented by its Commissioner. … Respondent

Counsel for the Petitioner: Mr.POSANI VENKATESWARLU

Counsel for the Respondent: Mrs.G.Jyothi Kiran

O R D E R :

The petitioner questions the legality and validity of the impugned Proceedings of the respondent bearing no.3910/TPS/MCH/SD/2005 dated

30-12-2005 in rejecting his application seeking for construction of building of ground, first and second floors in the plot bearing no.61, admeasuring 347 sq.yards or 290.09 sq.mts in survey no.74/9 situated at East Marredpally village, Secunderabad.

It is stated that the respondent passed the impugned order on the ground that earlier this court in WP.No.6614 of 2004 upheld such rejection orders and in view of D.O.Letter No.F3/1106/98 dated 02-4-2004 that 'no objection certificate/TSLR' from the revenue authority shall be obtained.

It is stated that the petitioner has not paid the building permission fee.

The learned counsel appearing for the petitioner submits that the learned single Judge of this court in WP.No.6470 of 2005 dated 13-4-2005 followed the judgment of the Division Bench of this court in WA.No.61 of 2000 in respect of Plot No.52 in the same survey no.74/9 and directed to consider the application of the petitioner

subject to the condition that the petitioner furnishes an undertaking before the respondents stating that in case LGC.No.167 of 1997 pending on the file of the Special Court is decided in favour of the Government, he shall not claim any equitable relief, and any such construction is made by the petitioner shall be at the risk of the plot owner.

Following the said judgment, the writ petition is disposed of directing the petitioner to file afresh application by paying permit fee of Rs.12,890-00 into the treasury along with property tax receipt and building plans and if any such application is filed, the respondent is directed to consider the application of the petitioner afresh and pass appropriate orders on merit and in accordance with law, subject to the condition that the petitioner shall furnish an undertaking before the respondent stating that in case LGC.No.167 of 1997 pending on the file of the Special Court is decided in favour of the government, he shall remove the structures etc., without seeking any equitable relief. If the petitioner fails to fulfill the undertaking, it is open for the respondent to remove such of those structures at the cost of the petitioner. It is also made clear that any such constructions are made that shall be at the cost and risk of the petitioner.

With the above direction, the writ petition is disposed of at the admission stage.

MARCH 24th, 2006. ----------

Is L. V. ESWARAIAH , J.